

least one of the claims cancelled herein (claims directed to the overall CD rack product), the competing Brookstone product uses a holder that essentially is a carbon copy of the holder claimed herein. Thus the present claim set is directed only to the holder aspect of the overall CD rack invention and is submitted to expedite a prior art search, and prosecution of the now pending claims.

A Petition to Make Special Because of Actual Infringement, and accompanying Statement of Facts in Support thereof is being filed herewith.

REMARKS

Without prejudice or disclaimer, applicants have cancelled claims other than claims directed to the holder mechanism in the invention that is the subject of the within application. Claim 21 is amended to be consistent with claim 20. New claims 27-46, directed to the holder mechanism, are added herein. The result of this Amendment is to present a claim set directly to the holder mechanism in a modular rack, with the intent to expedite prosecution thereby.

Following the within Amendment, claims 15-21, 23, and 27-46 are pending.

NEW CLAIMS 27-46 ARE SUPPORTED BY THE SPECIFICATION

Without limitation, support for claim 27 may be found in Fig. 4, 5, 8, 9, 10, 12, 14A, 14B, 14C, 14D, 14E, 15A, and 15C and/or in the accompanying text in the Specification on file herein. Support for claim 28 may be found in Fig. 4, 5, 8, 9, 10, 12, 14A, 14B, 14C, 14D, 14E, 15A, and 15C, and/or in the accompanying text in the Specification, including Specification page 3, lines 15-17. Support for claim 29 may be in the Specification at page 15, lines 16-17 (e.g., a holder that holds two CD jewel cases is approximately 10" wide and is twice the width of a single CD jewel case holder, which is therefore approximately 5" wide). Without limitation, support for claim 30 may be found in Fig. 1, Fig. 9, Fig. 10, Fig. 15A, and Fig. 15C, as well as the accompanying explanatory text in the Specification, including the text in the Specification at page 5, lines 16-17. Without limitation, claim 31 is supported by Fig. 4, Fig. 14A, Fig. 14B, Fig. 14C, Fig. 14D, and Fig. 14E, and the accompanying explanatory text in the Specification. Without limitation, claim 32 is supported by Fig. 14A, Fig. 14B, 14C, 14D, and Fig. 14E, and the accompanying explanatory text in the Specification. Without limitation, claim 33 is supported by Fig. 5, Fig. 8, Fig. 14D, and Fig. 15C, as well as by the

accompanying explanatory text in the Specification. Without limitation, claim 34 and claim 35 are supported by Fig. 14A, Fig. 14B, Fig. 14C, Fig. 14D, Fig. 14E, and Fig. 15C, as well as by the accompanying explanatory text in the Specification. Without limitation, support for claim 36 may be found in the Specification at page 3, lines 15-17.

Without limitation, support for claim 37 may be found in Fig. 4, 5, 8, 9, 10, 12, 14A, 14B, 14C, 14D, 14E, 15A, and 15C, and/or in the accompanying text in the Specification on file herein, including page 3, lines 15-17. Support for claim 38 may be found Fig. 4, 5, 8, 9, 10, 12, 14A, 14B, 14C, 14D, 14E, 15A, and 15C, and/or in the accompanying text in the Specification on file herein, including page 3, lines 15-17. Support for claim 39 may be in the Specification at page 15, lines 16-17 (e.g., a holder that holds two CD jewel cases is approximately 10" wide and is twice the width of a single CD jewel case holder, which is therefore approximately 5" wide). Without limitation, support for claim 40 may be found in Fig. 1, Fig. 9, Fig. 10, Fig. 15A, and Fig. 15C, as well as the accompanying explanatory text in the Specification, including the text in the Specification at page 5, lines 16-17. Claim 41 is supported by Fig. 2, Fig. 4, Fig. 5, Fig. 6A, Fig. 6B, Fig. 7, Fig. 8, Fig. 9, Fig. 14A, Fig. 14B, Fig. 14C, Fig. 14D, Fig. 14E, Fig. 15A, and Fig. 15C, as well as the accompanying explanatory text in the Specification. Without limitation, claim 42 is supported by Fig. 5, Fig. 8, Fig. 14D, and Fig. 15C, as well as by the accompanying explanatory text in the Specification. Without limitation, claim 43 is supported by Fig. 14A, Fig. 14B, Fig. 14C, Fig. 14D, Fig. 14E, and Fig. 15C, as well as by the accompanying explanatory text in the Specification. Without limitation, claim 44 is supported by Fig. 4, Fig. 14A, Fig. 14B, Fig. 14C, Fig. 14D, and Fig. 14E, and the accompanying explanatory text in the Specification. Without limitation, claim 45 is supported by Fig. 14A, Fig. 14B, 14C, 14D, and Fig. 14E, and the accompanying explanatory text in the Specification. Without limitation, claim 46 is supported by the Specification at page 3, lines 15-17.

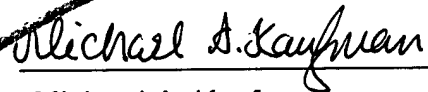
The Examiner is referred to the accompany STATEMENT OF FACTS BY PATENT COUNSEL IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT with respect to comments on the amended claims in view of potentially material prior art of record herein.

The Commissioner is authorized to charge any additional fees that may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-67467-2/MAK).

Respectfully submitted,

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By



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